United Nations S/2001/439

Security Council

Distr.: General
4 May 2001
English
Original: Arabic

Identical letters dated 1 May 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, and although Iraq will have nothing to do with Security Council resolution 1284 (1999) owing to its lack of objectivity, it is necessary to establish the facts set forth hereunder in order to correct the distortions that were contained in the fact sheet on missing persons presented to the Security Council at its informal consultations on 20 April 2001, in some of the statements made at that meeting and in the press statement issued by the Council following its consultations.

1. Iraq has from the outset worked with the International Committee of the Red Cross (ICRC), through the Tripartite Commission, in the search for missing Kuwaitis. Iraq stopped attending the meetings of the Commission because of the military aggression committed by the United States and the United Kingdom against it on the night of 16/17 December 1998. These two countries are members of the Commission, and it is claimed that they have a role in the humanitarian issue with which it is concerned. It is for sure that they insist on creating a political role for themselves in the work of the Commission, despite the fact that they actually have no missing personnel among the cases with which the Commission is dealing.

2. The appointment of Mr. Yuli M. Vorontsov as coordinator of the search for missing persons has been a political intrusion into the mechanism devised to pursue inquiries concerning missing persons. It was contrived by the United States and the United Kingdom in deference to the desire of Kuwait to obstruct the work that could have proceeded smoothly on an issue that is of a humanitarian character. The clearest indication of the political and biased role being played by Mr. Vorontsov is in the deliberate distortion of the facts conveyed in his statement to the Council at its consultations on 20 April 2001 when reviewing the questions of the Saudi pilot and the American pilot. This confirms his lack of objectivity and the fact that he is dealing with a humanitarian issue in a political manner.

3. The fact sheet that was submitted to the Security Council presented the issue of the Saudi pilot in a distorted manner and without referring to the relevant facts set forth in document S/2001/340 by Iraq. Mr. Vorontsov added a strange question to this distortion when he said in his statement to the Council that the puzzling fact was that Iraq had handed over to ICRC only 19.6 grams of bone matter. It was as though Mr. Vorontsov had expected the remains of the pilot to be found intact after his aircraft had crashed at extremely high speed with him on board, which was

01-36021 (E) 040501 070501

determined to be the case by the ICRC expert. Mr. Vorontsov's behaviour either indicates his ignorance of facts that are known to everyone who deals with such matters, namely that the recoverable remains of a pilot who goes down with his aircraft can be no more than those found in the case of the Saudi pilot, or it indicates that he knows these facts and that his statement was deliberately made in bad faith. Had he been impartial and objective, Mr. Vorontsov would have perceived the same obvious fact as ICRC, which decided that the matter of the Saudi pilot was closed and that it would not participate in any further efforts in this regard. This is reflected in the record of the consultative meeting of the Tripartite Commission held in Geneva on 15 March 2000.

4. Everyone knows that the United States regarded the American pilot as having been killed in action. For that reason, it did not demand his return, as a prisoner of war, directly after the aggression ceased. Given this state of affairs, it likewise did not submit a dossier of inquiry to the Tripartite Commission, despite the great zeal it displays for the Commission's work. The fact sheet nevertheless states that the pilot's case was raised with Iraq, through the Tripartite Commission, from 1991 through 1993. It is an established fact, on the other hand, that this matter was first raised with Iraq on a bilateral basis on 14 February 1995 by ICRC at the request of the United States, which asked that this be done in total secrecy and refused to reveal the location of the crash site until such time as its experts would arrive in Iraq. For humanitarian reasons, Iraq agreed to receive the United States mission and it communicated that agreement to the Americans on 1 March 1995. The United States delegation arrived in Iraq on 9 December 1995 to implement the joint search operation. Between the date Iraq agreed to the operation and that of the delegation's arrival there were a number of meetings with ICRC representatives in which the views of the Americans on reaching agreement on the technical details for the implementation of the search were transmitted. By its note of 27 March 1995, ICRC transmitted to us the United States action plan. The plan stated, inter alia, that the Government of the United States of America acknowledges Iraq's cooperation in meeting its obligations with respect to prisoners of war and war victims. After the American delegation had arrived, Iraq provided its members with every means of logistic and technical support for the completion of the work. The process took one full week, after which the American delegation returned and prepared a report in which it incorporated a great deal of distortion despite Iraq's full cooperation with it. The Americans also refused to refer to this joint search operation at the meetings of the Tripartite Commission held at that time on the grounds that this matter did not come within its purview. The Americans then raised the matter of the American pilot again four years later, that is to say on 19 May 1999, when they submitted a set of questions through ICRC concerning the fate of the American pilot. The questions were framed in an accusatory manner, and they placed Iraq in the position of being charged with responsibility for holding or concealing the remains of the pilot or for murdering him. Iraq therefore refused to accept delivery of the questions. The case was once again raised by the American side, through a number of official and media channels, a few days before the end of President Clinton's term of office. Iraq's response has constantly been that it has provided all of the information it has on this matter.

5. It is astonishing that the fact sheet conveys what it represents as facts while relying on a distorted quotation by the Reuters news agency of a statement by an Iraqi official spokesman that gives the impression that Iraq has information on the

pilot's case that it has withheld. Those who prepared the fact sheet did not trouble themselves to read the text of the Iraqi statement so that they would know that Iraq had said: "Should the United States authorities persist in propagating their lies on this matter, Iraq will publish the details in their entirety to the world so as to expose these lies and falsehoods".

6. The Americans are now raising the case of the American pilot time and again despite the fact that they know the relevant facts, and they have instigated Mr. Vorontsov to raise the matter in the Security Council. This is no more than a political game that has the purpose of creating pretexts for them to retain their membership in the Tripartite Commission on the grounds that there is a missing person for whom they are searching. They must nevertheless be aware of the fact that the Commission will never deal with the case of the American pilot because they did not submit his dossier prior to 31 July 1996, the date adopted by the Tripartite Commission at its sixteenth meeting, held in Geneva on 12 and 13 June 1996, as the deadline for the acceptance of dossiers. The United States delegation participating in the most recent consultative meeting of the Tripartite Commission, that held in Geneva on 15 March 2001, tried to include the case of the American pilot among those to be discussed by the Commission. The attempt was, however, thwarted when ICRC withheld its approval for the reason indicated above, and this situation was reflected in the record of the meeting in question.

7. After all the distortion, politicization, lack of objectivity and partiality in which the Americans and Mr. Vorontsov have engaged, is it possible for Iraq to trust them and to deal with them in connection with this humanitarian issue, as the Security Council press statement urges?

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Al-Douri**
Ambassador
Permanent Representative